

Expulsion Policy and Procedures

Mission Statement

In Davitt College the ultimate sanction imposed by the school is expulsion and it is imposed by the Board of Management only.

This policy and its procedures are approved by the Board of Management having been developed in consultation with all the educational partners i.e. parents, students, staff and the wider community. The policy has been developed in line with the NEWB Guidelines and in consultation with NBSS.

What does expulsion mean in Davitt College

A student is expelled from school when the Board of Management makes a decision to permanently exclude him/her from the school, having complied with the provisions of Section 24 of the Education Welfare Act.

The grounds for expulsion:-

In Davitt College, we recognise expulsion of a student is a very serious step and will only be taken by the Board of Management in extreme cases of unacceptable behaviour.

Normally a range of other interventions to address the misbehaviour will be tried before a decision to expel is made:-

- Meeting with parents and the student to try to find ways to help the student to change his behaviour.
- Making sure that the student understands the possible consequences of his behaviour, if it should persist.
- Ensuring all other possible options have been tried.
- Seeking the support of TUSLA, NEPS, NBSS, NCSE, NYP CAMHS

A decision to expel requires serious grounds such as:-

- A student's behaviour is a persistent cause of significant disruption to the learning of others or to the teaching process.
- The student's continued presence in the school constitutes a real and significant threat to safety
- The student is responsible for serious damage to property

The reasons for expulsion in Davitt College

The grounds for expulsion may be similar to the grounds for suspension but the seriousness and the persistence of the behaviour are the key difference. All possibilities for changing the student's behaviour have been exhausted.

Forms of expulsion in Davitt College

Expulsion can be in one of two forms (1) automatic expulsion, (2) the ultimate sanction after (a) all disciplinary options under the Code of Behaviour have been applied and documented and (b) when all appropriate services within the school and outside have either been offered or involved (3) discussions with parent/s or guardian/s relating to the serious misbehaviour has taken place. If none of the above produce any positive results then expulsion may be recommended by the Principal to the Board of Management.

Automatic expulsion:- a Board of Management may decide, as part of the school's policy on sanctions, and following the consultation process with the Principal, parents, teachers and students, that particular named behaviours incur automatic expulsion as a sanction. The kinds of behaviour that might result in a proposal to expel on the basis of a single breach of the code could include:-

- A serious threat of violence against another student or member of staff
- Actual violence or physical assault
- Supplying illegal drugs to other students or persons in the school
- Sexual assault
- Breach of Davitt College Acceptable Use Policy (AUP).

In the case of automatic expulsion, due process and fair procedures will be followed by the Board of Management.

Procedures in Respect of Expulsions:-

Step 1: A detailed investigation will be carried out by the Principal

- Parents and students will be informed in writing about the details of the alleged serious misbehaviour and the proposed investigation.
- Parents and students will be given every opportunity, including meeting with the Principal, to respond to the complaint. If parents refuse to meet with the Principal, they will be invited to a rescheduled meeting and advised that the school authority has a duty to make a decision to respond to inappropriate behaviour.

Step 2: A recommendation to the Board of Management by the Principal

When the Principal makes a recommendation to the Board to consider expulsion, the Principal will:

- Inform the parents and the students that the Board of Management is being asked to consider expulsion
- Ensure that the parents have records of the allegations against the student; the investigation; and written notice of the grounds on which the Board of Management is being asked to consider expulsion
- Provide the Board of Management with the same records as are given to the parents
- Notify the parents of the date of the hearing by the Board of Management and invite them to the hearing
- Advise the parents that they can make a written and oral submission to the Board of Management and also that they may be accompanied at the hearing
- Ensure that the parents have at least one week's notice to allow them to prepare for the hearing.

Step 3: Considerations by the Board of Management of the Principal's recommendations; and the

Holding of a hearing

It is the responsibility of the Board to ensure that the investigation is properly conducted. When the Board of Management decides to consider expulsion it will:

- Hold a hearing
- At the hearing the Principal, parents or a student over 18 years put their case to the Board in each other's presence. Each party should be allowed to question the evidence of the other party directly. The parents / student over 18 years can make a case for a lessening of the sanction. In the conduct of the hearing, the Board must take care to ensure that they are, and are seen to be, impartial as between the Principal and the student. After both sides have been heard, the Board should ensure that the Principal and parents/student are not present for the Board's deliberations.

Step 4: Board of Management deliberations and actions following the hearing

Having heard from all parties, it is the responsibility of the Board to decide whether or not the allegation is substantiated and, if so whether or not expulsion is the appropriate sanction.

If the Board of Management decides to expel the student, it will

- Notify the Educational Welfare Officer (EWO) in writing by registered post of its opinion, and the reasons for this opinion.
- The student cannot be expelled for 20 school days from the date on which the EWO received written notification of the proposed expulsion.
- The Board will inform the parents in writing by registered post about its conclusions and that the EWO has been informed.

Step5: Consultations arranged by the Educational Welfare Officer

Within 20 days of receipt of a notification from the Board of Management of its opinions that a student should be expelled, the Education Welfare Officer will

- Make all reasonable effort to meet with the Principal, parents and the student, and anybody else who may be of assistance.
- Convene a meeting of those parties who agree to attend. These consultations may result in an agreement that would avoid expulsion, or it may focus on alternative educational possibilities

Pending these consultations the Board may decide to suspend the student for 20 days, if his/her presence poses a threat to the safety of other students or would interfere seriously with the learning and teaching of other students.

Step6: Confirmation of the decision to expel

When the 20 day period following notification to the EWO has elapsed, and where the Board of Management is still of the view that the student should be expelled, the Board of Management should formally confirm the decision.

- Parents should be notified immediately that the expulsion will now proceed
- Parents and students should be told of their right to appeal and supplied with the standard form on which to lodge an appeal.
- A formal record will be made of the decision to expel the student

Appeals

A parent, or a student aged over 18 years, may appeal a decision to expel in the first instance to Mayo, Sligo & Leitrim E.T.B. Where an appeal to the E.T.B. has been concluded, the parent, or a student aged over 18 years, may go on to appeal to the Secretary General of the Department of Education and Skills (Education Act 1998 Section 29). An appeal may also be brought by the NEWB on behalf of the student.

Review of expulsion policy. To ensure that the Expulsion Policy in Davitt College is consistent with other school policies, natural justice and changes in education, this policy will be reviewed on a two yearly basis.

This policy was approved by the Board of Management on:

Signed: *Mr. Blackie Gavin*
Chairperson of Board of Management

Date: 9th May 2017